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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RAJAN, KAI	

ART UNIT	PAPER NUMBER
3769	

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04/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,633	HUTCHINSON ET AL.	
	Examiner	Art Unit	
	Kai Rajan	3769	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 3, 5 – 12, 16, 17, 28, 68, 69, and 71 – 84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 – 3, 5 – 12, 16, 17, 28, 68, 69, and 71 – 84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges the reply filed January 28, 2010. As per the interview of January 27, 2010, the finality of the previous action has been withdrawn.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3, 5 – 12, 16, 17, 28, 68, 69, and 71 – 84 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahlin et al. U.S. PGPub No. 2004/0122701 A1.

1. A patient physiologic monitoring assembly comprising:

a plurality of sensors that generate a real-time physiologic data stream, said real-time physiologic data stream including a plurality of physiologic variables (Paragraph 0058

information gathered from EKG and blood pressure sensors. Physiological data is gathered from sensors in real time.);

a first logic rule set including a plurality of logic rules for interpreting the plurality of physiologic variables (Paragraphs ,0058, 0067 – 0070, 0077, 0078 templates);

a second logic rule set including a plurality of logic rules for interpreting the physiologic variables (Paragraphs ,0058, 0067 – 0070, 0077, 0078 treatment); and

a controller that receives said real-time physiologic data stream, said controller including a logic that cross references said plurality of physiologic variables with the first logic rule set and second logic rule set (Paragraphs 0065 – 0070 the system includes servers and user side computers that analyze patient data against databases of treatment algorithms and templates for disease management), and

generates at least a first diagnostic interpretation of said plurality of physiologic variables utilizing said first logic rule set and a second diagnostic interpretation of said plurality of physiologic variable utilizing the said second logic rule set (Paragraphs 0058, 0067 – 0070, 0077, 0078 templates filter medical findings from collected data with important elements, and treatment algorithms further analyze data to detect alarm conditions and display warnings).

2. A patient physiologic monitoring assembly as described in claim 1, wherein said logic is further adapted to display said first and second diagnostic interpretations on a display element (Paragraphs 0051, 0054 displays include graphical user interfaces displaying analyzed data and information including warnings to a user).

3. A patient physiologic monitoring assembly as described in claim 1, wherein said logic is further adapted to select said first logic rule set and said second logic rule set from a rules database, said rules database including a plurality of logic rule sets (Paragraphs 0017, 0113 servers contain multiple rule sets and algorithms entered by entities such as disease management advisors).

5. A patient physiologic monitoring assembly as described in claim 3, wherein said logic is further adapted to modify one of said plurality of logic rules within said first logic rule set (Paragraphs 0068 – 0070, 0113 templates generated or changed dynamically and the elements marked in templates can be changed).

6. A patient physiologic monitoring assembly as described in claim 5, wherein said logic edits one of said plurality of logic rules (Paragraphs 0068 – 0070, 0113 templates generated or changed dynamically and the elements marked in templates can be changed).

7. A patient physiologic monitoring assembly as described in claim 5, wherein said logic deletes one of said plurality of logic rules (Paragraphs 0068 – 0070, 0113 templates generated or changed dynamically and the elements marked in templates can be changed including deselecting marked items).

8. A patient physiologic monitoring assembly as described in claim 5, wherein said logic adds a new logic rule to said first logic rule set (Paragraphs 0068 – 0070, 0113 templates

generated or changed dynamically and the elements marked in templates can be changed including marking items).

9. A patient physiologic monitoring assembly as described in claim 3, wherein said logic is further adapted to add a new logic rule set to said rules database (Paragraphs 0017, 0113 servers contain multiple rule sets and algorithms and changeable templates).

10. A patient physiologic monitoring assembly as described in claim 1, further comprising a plurality of networked medical facilities in communication with said controller such that said first logic rule set may be received from any of said plurality of networked medical facilities (Paragraph 0017, 0051, 0063, 0113 network connected devices and disease management advisors).

17. The method of claim 11, wherein generating a response based on the application of at least one of the plurality of rule-based algorithms comprises generating an alarm (Paragraphs 0020, 0112, 0123 warnings sent to users based on analyzed data).

28. The method of claim 72, further comprising generating a certainty score for each of the general diagnostic interpretations (Paragraphs 0024, 0078 evaluating effectiveness of past diagnoses and treatment, and templates are displayed based on the relevancy to collected data).

68. A patient physiologic monitoring assembly as described in claim 2, wherein said logic is further adapted to receive a selection of the first diagnostic interpretation or the second diagnostic interpretation from a clinician (Paragraphs 0051, 0069 – 0071, 0078).

69. The method of claim 11 wherein the plurality of rules of the first rule set are directed towards a general diagnostic interpretation identifying a target body system and the plurality of rules of the second rule set are directed towards creating a specific diagnostic interpretation of a condition within a targeted body system (Paragraphs 0058, 0067 – 0070, 0077, 0078 templates include medical findings from collected data with important elements, and treatment algorithms further analyze data to detect alarm conditions and display warnings).

71. The method of claim 69 wherein the general diagnostic interpretation identifies the cardiac system and the specific diagnostic interpretation identifies a cardiological condition (Paragraphs 0058, 0107 EKG is used to determine the presence of cardiac conditions)

Claims 11, 12, 16, and 72 – 84 are rejected by the system and method of Dahlin et al., as cited above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnhill et al. U.S. Patent No. 6,248,063 B1 discloses analyzing physiological data at different thresholds for diagnosing diseases at different severites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Johnson can be reached on 571-272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/
Examiner, Art Unit 3769

/Michael C. Astorino/
Primary Examiner, Art Unit 3769

April 12, 2010